

**JAN 27 2006****CATHY A. CATTERSON, CLERK  
U.S. COURT OF APPEALS****NOT FOR PUBLICATION****UNITED STATES COURT OF APPEALS****FOR THE NINTH CIRCUIT****UNITED STATES OF AMERICA,****Plaintiff - Appellee,****v.****ROBERT J. ROWEN,****Defendant - Appellant.****No. 05-16532****D.C. No. CV-03-03614-JSW****MEMORANDUM<sup>\*</sup>**

**Appeal from the United States District Court  
for the Northern District of California  
Jeffrey S. White, District Judge, Presiding**

**Submitted January 23, 2006<sup>\*\*</sup>**

**Before: T.G. NELSON, SILVERMAN and BYBEE, Circuit Judges.**

We have reviewed appellant's opposition to the motion for summary affirmance and appellant's opening brief. The motion for summary affirmance is granted because the questions raised in this appeal are so insubstantial as not to

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<sup>\*</sup> This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

<sup>\*\*</sup> This panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

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require further argument. *See United States v. Hooton*, 693 F.2d 857, 858 (9th Cir. 1982) (per curiam) (stating standard).

Appellant's alternative "motion for more definite statement and/or motion to strike" is denied.

The district court's judgment is

**AFFIRMED.**